

**MEMORANDUM**  
**FILED TO THE HONORABLE STERLING JOHNSON JR.,**  
**IN CLERK'S OFFICE UNITED STATES DISTRICT JUDGE**  
U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK  
★ MAR 31 2006 ★

**Re: Motawe, Metthatt**  
**Dkt #: 01-CR-99**  
**02-CR-258**

**Date: March 27, 2006**

**REQUEST TO MODIFY RESTITUTION**

On March 30, 2005, Your Honor sentenced the above-named individual to: five years' probation on each count to run concurrent, \$2,946,115.74 restitution, and a \$200 special assessment. This sentence followed a conviction for Access Device Fraud in violation of 18 U.S.C. §§ 1029 (a)(5); 1029 (c)(1)(A)(ii) and 18 U.S.C. § 1001(a)(2), False Statements.

With regard to Motawe's adjustment to supervision, he has been compliant to date. He reports on a monthly basis, paid his special assessment and remits \$100 per month toward the fulfillment of his restitution. Motawe is employed as a taxi cab driver and resides with his wife in Long Island City, New York.

Motawe is requesting permission to reduce his restitution payment amount to \$50 per month due to his exorbitant monthly expenses and low income. Based upon Motawe's finances, consistent restitution payments, securement of stable employment, and overall compliance with his supervision conditions, we do not oppose Motawe's request for a restitution payment reduction. As a result, we are formally requesting that Motawe's condition of supervised release be modified to include the following:

**The defendant must pay restitution in the amount of 2,946,115.74. Restitution is payable to the Clerk of the Court for the Eastern District of New York in the amount of \$50 per month.**

Attached please find the releasee's "Waiver of Hearing to Modify Conditions of Supervised Release" (Prob form 49) signed by him on March 14, 2006. Your Honor may indicate the Court's decision in this matter on Page 2 of this memorandum.

RESPECTFULLY SUBMITTED:

TONY GAROPPOLO  
CHIEF U.S. PROBATION OFFICER

PREPARED BY:

Michelle Powell  
Michelle A. Powell  
U.S. Probation Officer

APPROVED BY:

Kathleen M. Dunn  
Kathleen M. Dunn  
Supervising U.S. Probation Officer

The Court Orders:

- ☒ The Modification of Conditions as Noted Above  
☐ Other Directive of the Court:

S/SJ

Sterling Johnson Jr.,  
U.S. District Judge

Date 3/29/06

Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision

**UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NEW YORK**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

**The defendant must pay restitution in the amount of 2,946,115.74. Restitution is payable to the Clerk of the Court for the Eastern District of New York in the amount of \$50 per month.**

Witness:

Michelle Powell

Michelle A. Powell  
U.S. Probation Officer

Signed:

Methatt Motawe

Methatt Motawe  
Probationer or Supervised Releasee

3/14/06  
DATE